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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,229	03/12/2004	Takayuki Takimoto	79976	8563

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,229	Applicant(s) TAKIMOTO, TAKAYUKI	
	Examiner Tiffany L. Webb	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/05, 8/19/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS from 3/12/04</u> . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "24a" and "22d" have both been used to designate a snap fastener. Also, "20a" and "20b" appear to both be pointing to the same part of the drawing, but refer to them as different objects.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the removal means (a whipping means or heating means), and the joint line formed between the pillars and windshield must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. The drawings are objected to because the drawings should not contain text. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

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made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 3 and 9 are objected to because of the following informalities: in claim 3, lines 1 and 3, and in claim 9, line 4, "elongate member" is incorrect grammar and the examiner suggests changing to "elongated member." Appropriate correction is required.

6. Claim 11 is objected to because of the following informalities: in line 2 "elongate covers" is incorrect grammar and the examiner suggest changing to "elongated covers." Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification and the drawings do not aid in being able to figure out what is meant by “the covers are secured to the vehicle to span a joint line formed between the pillars and the windshield.” The joint line that is formed is not discussed in the specification and the drawings do not aid in clarifying what is meant by the cover spanning the joint line that is formed between the pillars and the windshield.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5, 8-9, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miodek (DE 20119579). Regarding claims 1, 2, 3, 5, and 9, Miodek discloses having an externally developed airbag device (see Figure 1) including: an airbag (7) for being deployed along each pillar (5) on either side of a vehicle windshield (1); elongated guide members (13) extending along the vehicle pillars (see Figure 3); and followers (15) to ride along the respective guide members as the airbag is inflated. Regarding claim 4, Miodek discloses having a casing (21) in which the airbag is folded prior to deployment and a cover for the container that is opened as the airbag is inflated, and having a cover for the guide to protect the guide from foreign materials. Regarding claim 8, Miodek discloses the airbag has a generally U-shaped configuration (see Figures 1-2) including a base portion and opposite side portions with the guide causing

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the airbag side portions to deploy in the direction of the pillars. Regarding claims 11 and 16, Miodek discloses the guide members including elongated covers (not shown, but described in paragraph [0017] of translation provided) to allow the followers to ride along the guide members and keeping the guide members free of foreign material through covering.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-7, 10, and 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Miodek in view of Kalandek et al. (US 2003/0080541). Miodek is discussed above, but fails to disclose having a frangible portion on the guide covers, an opening in the guide cover, or the guide members being rods and the followers being annular straps. Regarding claims 6 and 12, Kalandek et al. discloses having a frangible portion that the follower ruptures (paragraph [0020] lines 8-12) during inflation. Regarding claims 7 and 13, Kalandek et al. discloses having a guide cover including an opening (paragraph [0020] lines 8-12) that extends along the guide with the follower extending through the opening during inflation. Regarding claim 10, Kalandek et al. discloses having the guide members being rods (see Figure 1b) and the followers comprising annular straps (see Figure 1d). Miodek and Kalandek et al. are analogous art, as both are airbag systems. It would have been obvious to one of ordinary skill in

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the art at the time of the invention to have put rupturable guide covers and to use a rod in the airbag tether system of Miodek in order to provide alternative guide means and to also provide a system for aptly covering the guide from view, but allowing the follower to go along the guide during inflation.

Allowable Subject Matter

13. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are all airbag devices: Peer et al. (US 6,474,681), Tanaka et al. (US 6,896,288), Bakhsh et al. (US 7,000,944), and Karlow et al. (US 5,588,672).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany L. Webb
Examiner
Art Unit 3616

tlw



PAUL N. DICKSON
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